

ORDINANCE 330-11

AN ORDINANCE AMENDING THE WEST BOUNTIFUL MUNICIPAL CODE TITLE 15 BY CLARIFYING REGULATORY LANGUAGE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE MUNICIPALITY OF WEST BOUNTIFUL CITY, DAVIS COUNTY, STATE OF UTAH, THAT THE WEST BOUNTIFUL MUNICIPAL CODE SHALL BE AMENDED AS INDICATED IN THE ATTACHED EXHIBIT A.

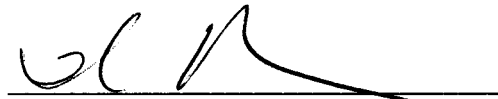
The attached changes will take effect immediately upon adoption.

Adopted this 21st day of June, 2011.

By:


Ken Romney, Mayor

Attest:


Heidi Voordeckers, City Recorder



Voting by the City Council:	Aye	Nay
Councilmember Preece	<u>X</u>	<u> </u>
Councilmember Shaw	<u>X</u>	<u> </u>
Councilmember Bruhn	<u>X</u>	<u> </u>
Councilmember Baza	ABSENT	<u> </u>
Councilmember Tovey	<u>X</u>	<u> </u>

Title 15 BUILDINGS AND CONSTRUCTION

Chapters:

15.04 ~~Uniform~~International Codes Adopted

15.08 Building Permits

15.12 ~~Landfills and Excavations~~

~~15.16~~ Movement of Buildings

Chapter 15.04 ~~UNIFORM~~INTERNATIONAL CODE COMMISSION CODES ADOPTED

Sections:

~~15.04.010~~ Technical codes adopted.

15.04.010 Technical codes adopted.

A. This section is enacted for the purpose of conforming to and supplementing the provisions of Section 58-56-4, Utah Code Annotated, and shall be interpreted to conform to the provisions of that section.

B. Except when they are in conflict with the provisions of Section 58-56-4, Utah Code Annotated, and the technical codes adopted therein, the following technical codes are adopted by this reference as ordinances of West Bountiful City.

1. ~~Uniform~~ International Building Code. The most recent version of the ~~Uniform~~International Building Code published by the International Conference of Building Officials and adopted by the ~~state~~State of Utah, together with the most recent version of the ~~Uniform~~International Building Code Standards adopted by the ~~state~~State of Utah, is adopted as the building code of West Bountiful City.

2. Plumbing Code. The most recent version of the International Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and ~~Code~~ adopted by the ~~state~~State of Utah, including all installation standards is adopted as the plumbing code of West Bountiful City.

3. ~~Uniform~~ International Mechanical Code. The most recent version of the ~~Uniform~~ International Mechanical Code published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials and adopted by the ~~state~~State of Utah, is adopted as the mechanical code of West Bountiful City.

4. National Electrical Code. The most recent version of the National Electrical Code published by the National Fire Protection Association and adopted by the state State of Utah, is adopted as the electrical code of West Bountiful City.

5. ~~Uniform Administrative Code. The most recent version of the International Administrative Code of the Uniform Administrative Code published by the International Conference of Building Officials, is adopted as the administrative code of West Bountiful City.~~

56. ~~Utah International Energy Conservation Code. The most recent version of the Utah International Energy Conservation Code, as adopted and amended by the state~~ State of Utah, is adopted as the energy conservation code Energy Conservation Code for West Bountiful City.

67. ~~Uniform Code for the Abatement of Dangerous Buildings. International Property Maintenance Code. The most recent version of the International Property Maintenance Uniform Code, as adopted by the State of Utah, for the Abatement of Dangerous Buildings published by the International Conference of Building Officials, is adopted as the abatement of dangerous buildings code of West Bountiful City.~~

78. ~~Uniform International Fire Code. The most recent version of the Uniform International Fire Code adopted by the State of Utah, including Appendixes and Standards thereof, as published adopted by the International Conference~~ State of Building Officials Utah is adopted as the fire code of West Bountiful City.

8. International Residential Code. The most recent version of the International Residential Code adopted by the State of Utah is adopted as the Residential Code of West Bountiful City.

C. The West Bountiful building inspector shall be the principal enforcement officer with respect to each of the technical codes described above, except that the fire marshal of the South Davis fire district Metro Fire District, shall be the principal enforcement officer with respect to the Uniform International Fire Code.

D. It is unlawful to perform any work regulated by the technical codes described above without first obtaining a required permit ~~therefore~~, including the payment of any required fee.

E. The violation of any provision of the technical codes described above shall be unlawful and punishable as a Class B misdemeanor. (Ord. 264-00 (part); Ord. 239-95 (part); ~~prior code § 8-1-2~~)

Chapter 15.08 BUILDING PERMITS

Sections:

15.08.010 Building inspector authorized to enforce regulations.

15.08.020 Building permit.

15.08.030 Building permit fees.

15.08.040 Building, use and occupancy permits to comply with ordinances.

15.08.050 Site and off-site improvements may condition building permit approval.

15.08.060 Inspection and approval required prior to occupancy.

15.08.070 Building permits--Review in flood areas.

15.08.080 Subdivision proposals--Review in flood areas.

15.08.090 Water and sewer systems--Requirements in flood areas.

15.08.100 Board of appeals.

15.08.010 Building inspector authorized to enforce regulations.

The building inspector of the ~~city~~City is authorized and responsible to enforce all building regulations which may be adopted by the ~~city council~~City Council ~~periodically from time to time.~~ ~~(Prior code 5-8-2-1)~~

15.08.020 Building permit.

AAA. (1) No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the ~~building official~~City.

(2) Work exempt from Permit. A~~Each~~ building permit application shall not include a site plan and such other information as may be required for the following:

~~(a) One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet;~~

~~(b) Fences not over 6 feet;~~

~~(c) Retaining walls not over 4 feet in height measured from the bottom of the footing to the top of the wall;~~

~~(d) Platforms as defined by the Uniform Building Code, walks and driveways not more than 30 inches above grade and not over any basement or story below;~~ these ordinances the West Bountiful Municipal Code.

~~(e) Painting, papering and similar finish work;~~

~~Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Uniform Building Code or West Bountiful City Municipal Code.~~

~~AB.~~ Any person obtaining a building permit as required by ~~these ordinances~~ the West Bountiful Municipal Code shall display or cause to be displayed continuously in a conspicuous place on the job site, the building permit application and inspection card affixed to the reverse side thereof, together with the notice furnished by the city, stating in bold letters, "IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO FINAL INSPECTION," until the final inspection has been completed and a written ~~certificate of occupancy~~ final approval is issued by the building inspector covering the premises for which the building permit was issued.

~~BC.~~ No person shall sell or transfer ownership of a building or structure for which a building permit has been issued to him or her or his or her agent before a final inspection has been made and a ~~certificate of occupancy~~ final approval issued ~~therefor~~ therefore by the building inspector unless he or she shall in writing inform the purchaser or person to whom ownership shall be transferred, whether by deed or pursuant to contract of sale, that such final inspection and ~~certificate of occupancy~~ final approval are required prior to occupancy or use of such building or structure.

~~CD.~~ In all zoning districts of the ~~city~~ City, the size and shape of the lot or tract, the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the provision of off street parking space, the provision for driveways for ingress and egress, the provision of other open space on the site, drainage patterns, and the display of signs shall be in accordance with a site plan or plans or subsequent amendment thereof, approved in any case by the ~~planning commission~~ zoning administrator and ~~land use authority~~ prior to issuance of a building or land-use permit, except that when the application for a building permit involves only a single family residence, the ~~planning commission~~ zoning administrator and ~~land use authority~~ may reduce the detail required in the site plan. In approving site plans the ~~planning commission~~ zoning administrator and ~~land use authority~~ may act on a site plan submitted to it or may act on its own initiative in proposing and approving a site plan, including any conditions or requirements designated or specified or in connection therewith. A site plan may include landscaping, fences, and walls designed to further the purposes of the regulations for commercial, manufacturing, trailer, and multiple residential zones, and such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder the ~~planning commission~~ zoning administrator and ~~land use authority~~ shall endeavor to assure safety and convenience of traffic movements both within the area covered and in relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and building and adjacent neighborhoods.

~~D-E.~~ All finished floor elevations on buildings constructed within the city shall be at least twelve (12) inches above the curb, or street, or proposed street, level adjacent to the building except when otherwise approved by the city engineer and city council. Below floor or crawl space area shall not exceed 48 inches in height as measured from the bottom of the supporting floor member to the top of the finished ground surface. Below floor or crawl space area shall not exceed 60 inches in height as measured from the bottom of the supporting floor structure to the

top of a finish floor where the finish floor is one foot or above the curb or street elevation. Below floor or crawl space area, which is located below the street or curb elevation is not considered to be finished floor area and is not approved for domestic use including storage.

F. Reductions to standard setbacks due to fire rating of an accessory structure are subject to a building permit regardless of structure size or use.

G. ~~Work exempt from Permit.~~ A building permit shall not be required for the following:

(ai) One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet;

(iib) Fences not over 6 feet in height.

(iiie) Retaining walls not over 4 feet in height measured from the bottom of the footing to the top of the wall;

(ivd) Platforms as defined by the International Building Code, walks and driveways not more than 30 inches above grade and not over any basement or story below;

(ve) Painting, papering and similar finish work.;

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the International Building Code or West Bountiful City Municipal Code.

H. Fence Requirements.

1. Fences, walls and hedges may not exceed six feet in height within any required rear yard or interior side yard.

2. Notwithstanding any other provisions herein, view obscuring fences, walls or hedges not exceeding four (4) feet in height may be erected and allowed from the front set back of the primary building to within three (3) feet of any street line or inside of sidewalk. Fences, hedges, and walls will not exceed two (2) feet in height in the three (3) foot area of street line or inside of sidewalk.

~~Fences required when:~~

H. The City may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when it is necessary to protect life or property. Such fences may be of a type and size necessary to accomplish the above stated purpose, as determined by the City consistent with Title 17(MSOffice1).

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the International Building Code or West Bountiful Municipal Code.

15.08.030 Building permit fees.

A. A fee for each building permit shall be paid to the ~~building inspector~~City according to the schedule established in the ~~Uniform Building Code~~periodically by resolution of the City Council.

B. The determination of value or valuation hereunder shall be made by the building inspector ~~based upon the valuation data published bi-monthly by the International Conference of Building Officials for remodeling purposes or the construction of outbuildings.~~ The building inspector may use bona fide bid figures from a responsible contractor or may use his or her best judgment as to the total value of all construction work for which the permit was issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent work or permanent equipment.

C. When work for which a permit is required hereunder or by any provisions of the currently adopted ~~Uniform~~International Building Code is started or proceeded with prior to obtaining the permit, the fees specified in the fee schedule as set from time to time by the governing body shall be doubled, but the payment of such double fee shall not relieve ~~many~~any persons from fully complying with the requirements of the code or these ordinances in the execution of the work nor from any other penalties prescribed herein.

In addition to the foregoing an applicant for a building permit shall pay ~~the storm drainage fee~~impact, connection and improvement fees as determined periodically by resolution of the ~~city council~~City Council. (Ord. 264-00 (part); Ord. 239-95 (part); ~~prior code 5-8-2-3~~)

15.08.040 Building, permit use and occupancy permitsfinal approval to comply with ordinances.

Building, use and ~~occupancy permits~~final approval shall not be granted for the construction or alteration of any building or structure, or for the moving or removal of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use or occupancy

would be in violation of any of the provisions of ~~these ordinances~~ the West Bountiful Municipal Code. Permits issued in violation of any provision hereof, whether intentional or otherwise, shall be null and void. (~~Prior code 5-8-2-4~~)

15.08.050 Site and off-site improvements may condition building permit approval.

The installation of curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches of a type approved by the ~~city council~~ land use authority may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval. (~~Prior code 5-8-2-5~~)

15.08.060 Inspection and approval required prior to occupancy.

It is unlawful to occupy or put into use, or permit or allow others to occupy or put into use any building or structure requiring a building permit until the building inspector has inspected the same, found compliance with ~~these ordinances~~ the West Bountiful Municipal Code, including ~~and the building code of the city, and issued a written certificate of occupancy therefor.~~ final approval thereof. (Ord. 263-99 (~~part~~); ~~prior code 5-8-2-6~~)

15.08.070 Building permits--Review in flood areas.

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including ~~prefabricated~~ prefabricated and ~~mobile homes~~ mobile homes) must:

- A. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- B. Use construction materials and utility equipment that are resistant to flood damage; and
- C. Use construction methods and practices that will minimize flood damage. (~~Prior code 5-8-2-7~~)

15.08.080 Subdivision proposals--Review in flood areas.

The ~~building inspector~~ city engineer shall review subdivision proposals and other proposed new developments to assure that:

- A. All such proposals are consistent with the need to minimize flood damage;
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided so as to reduce exposure to flood hazards. (~~Prior code 5-8-2-8~~)

15.08.090 Water and sewer systems--Requirements in flood areas.

~~15.12.020 Permit required—Exceptions.~~

~~15.12.030 Responsibility.~~

~~15.12.040 Retention of plans.~~

~~15.12.050 On-site reviews.~~

~~15.12.060 Standards and specifications.~~

~~15.12.010 Purpose and intent.~~

~~This chapter is adopted to promote public safety and the general public welfare; to protect property against loss from erosion, earth movement and flooding; to maintain a superior community environment; to provide for the continued orderly growth of the city; and to insure the maximum preservation of the natural scenic character of major portions of the city by establishing minimum standards and requirements relating to land grading, excavations, and fills, and procedures by which these standards and requirements may be enforced. It is intended that this chapter be administered with the foregoing purposes in mind and specifically in an attempt to:~~

~~A. Insure that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement and similar hazards;~~

~~B. Insure that public lands and places, water courses, streets, and all other lands in the city are protected from erosion, earth movement or drainage hazards;~~

~~C. Insure that the planning, design and construction of all development will be done in a manner which provides maximum safety and human enjoyment and, except when specifically intended otherwise, makes such construction as unobtrusive in the natural terrain as possible; and~~

~~D. Insure, insofar as practicable, the maximum retention of natural vegetation to protect against erosion, earth movement and other hazards and to preserve the natural scenic qualities of the city. (Prior code § 8-8-1)~~

~~15.12.020 Permit required—Exceptions.~~

~~No person shall commence or perform any grading or excavation, including those in gravel pits and rock quarries, in excess of the limits specified below without first obtaining a conditional use permit for such grading or excavation. In this chapter, all references to a conditional use permit shall mean a conditional use permit for grading or excavation.~~

~~A. A conditional use permit shall be required in all cases when development comes under any one or more of the following provisions unless such work is otherwise exempted elsewhere in this chapter:~~

~~1. Excavation, fill or any combination thereof exceeding one thousand (1,000) cubic yards;~~

A. ~~The building inspector~~city engineer shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. ~~(Prior code 5-8-2-9)~~

B. In all cases when a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by Utah State Division of Health is not available; and in all cases when a connection to a public water system approved by the Utah State Division of Health is not available the sewage disposal system and the domestic water supply shall comply with state and local board of the health requirements. Applications for a building permit shall be accompanied by a certificate of feasibility from said board or Division of Health. The application shall also evidence the physical presence, legal right to and availability of culinary water acceptable to the city and shall show the actual physical presence, legal right and availability of culinary water for the sole use of the proposed building use.

15.08.100 Board of appeals.

A. A board of appeals is created for the purpose of passing upon matters pertaining to building construction, to determine the suitability of alternative materials and methods of construction, and to provide for reasonable interpretations of the ~~Uniform~~International Building Code adopted by the ~~city~~City and set forth in Section ~~105~~113 of Chapter 1 of said Code, and to exercise such other powers as may be delegated to it by the ~~city council~~City Council of the ~~city~~City.

B. ~~Until such time as the city council~~The West Bountiful City Council may otherwise appoint a board of appeals by resolution, ~~the~~ The board of appeals duly appointed by the ~~Davis County commission~~City Council shall constitute the ~~city~~City board of appeals and ~~be clothed with~~will have full authority to carry out the provisions provision and functions set forth in Section ~~204~~113 Chapter ~~2~~1 of the ~~Uniform~~International Building Code and any other functions and responsibilities delegated to it by the ~~city council of the city~~. ~~(Editorially amended during 2000 codification; prior code 5-8-2-10)~~City Council of the City. Unless so designated by resolution of the City Council, the board of appeals constituted under this section will not be an "appeal authority" for purposes of Titles 16 and 17 of the West Bountiful Municipal Code.

Chapter 15.12 ~~LANDFILLS AND EXCAVATIONS~~ MOVEMENT OF BUILDINGS

Sections:

15.12.010 Purpose and intent.

2. Fill exceeding five feet in vertical depth at its deepest point measured from the adjacent undisturbed ground surface;

3. An excavation exceeding five feet in vertical depth at its deepest point;

4. An excavation, fill or combination thereof exceeding an area of one acre; or

5. Vegetation removal from an area in excess of one acre.

B. A conditional use permit shall not be required in the following cases:

1. Excavations below finished grade for which a building permit is required and has been issued by the city, including, but not limited to, septic tanks and drainfields, tanks, vaults, tunnels, equipment basements, swimming pools, cellars or footings of buildings or structures;

2. Excavation or removal of vegetation within property owned by public utility companies or within public utility easements by public utility companies;

3. Removal of vegetation as a part of the work authorized by an approved building permit;

4. Tilling of soil or cutting of vegetation for agricultural or fire protection purposes;

5. Engineered interior fills or surcharge on property with respect to industrial development;

6. Items not covered by this chapter which are exempted from required permits by this code and the building code of the city; and

7. Grading and/or excavation done pursuant to an approved final subdivision plan. (Prior code § 8-8-2)

15.12.030 Responsibility.

Failure of city officials to observe or recognize hazardous or unsightly conditions, or to recommend denial of the conditional use permit, or of the planning commission to deny the permit shall not relieve the permittee from responsibility for the condition or damages resulting therefrom. Furthermore, such oversight shall not result in the city, its officers or agents, being responsible for the conditions and damages resulting therefrom. (Prior code § 8-8-3)

15.12.040 Retention of plans.

Plans, specifications and reports for all excavation conditional use permit applications submitted to the city for approval shall be retained by the city for a minimum period of two years. (Prior code § 8-8-4)

15.12.050 On-site reviews.

A. The zoning administrator with assistance from the city engineer, as necessary, shall make the on-site reviews hereinafter required and shall either approve that portion of the work completed or shall notify the permittee of the ways in which the work fails to comply with this section.

When it is found by on-site review that conditions are not substantially as stated or shown in the conditional use permit application, the inspector may stop further work until and unless approval is obtained for a revised grading plan conforming to the existing conditions.

B. Plans for grading work, bearing the stamp of approval of the planning commission, shall be maintained at the site during the progress of the grading. Until the final review is made, a card issued by the city which authorizes the grading shall be prominently displayed near the front property line of the property involved. This card must be displayed so as to be visible from the street on which the property fronts.

In order to obtain on-site reviews, the permittee shall notify the city at least twenty-four (24) hours before the desired review time. On-site reviews shall be made:

1. Before commencing grading operations and after required construction stakes have been set;
2. When all rough grading has been completed; and
3. When all work, including installation of all drainage and other structures and required planting has been completed. (Prior code § 8-8-5)

15.12.060 Standards and specifications.

A. Applicability. All grading and excavation shall comply with the requirements set forth in this chapter in addition to other requirements of this code.

B. Hours of Operation. All grading and excavation in or contiguous to residential neighborhoods shall be carried on between the hours of seven a.m. to five thirty p.m.

The zoning administrator may waive this requirement if it is shown that restricting the hours of operation would unduly interfere with the development of the property and it is shown that other properties or neighborhood values would not be adversely affected.

C. Dust and Dirt Control. All graded or disturbed surfaces of excavations, and all equipment, materials and roadways on the site shall be dampened or suitably treated, managed or contained to prevent the deposit of dust on neighboring properties; all materials transported to or from the site shall be contained during transportation so as to prevent spillage on streets or other property outside of the site.

D. Slopes. The zoning administrator may require the percent of slope of a cut or fill to be reduced if it is found that the cut or fill is subject to unusual or excessive erosion, or if other

conditions make such requirements necessary for stability. The zoning administrator may permit steeper slopes when the material being cut is unusually stable.

E. ~~Fill Material.~~ All fill, except in publicly approved refuse disposal or other landfill operations, shall be earth, rock, or other inert materials free from organic material and free of metal. Nevertheless, topsoil spread on cut and fill surfaces may incorporate humus to promote moisture retention and plant growth properties.

F. ~~Drainage.~~ Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or any portion of a fill. All drainage ways and structures shall carry surface waters without producing erosion to the nearest practical street, storm drain or natural water course approved by the city engineer as a safe place to deposit and receive such waters.

The city engineer may require such drainage structures to be constructed or installed as necessary to prevent erosion damage or to prevent saturation of the fill or material behind cut slopes.

G. ~~Finished Cuts and Slopes.~~ The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. All exposed slopes of any cut or fill shall be protected by approved planting, crib walls or walls and planting, terracing or combination thereof.

H. ~~Backfilling.~~ Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site shall be backfilled and compacted to the level of the surrounding grade.

I. ~~Compaction of Fills.~~ Unless otherwise directed by the zoning administrator, all fills governed by this code intended to support buildings, structures, or when otherwise required to be compacted for stability, shall be compacted, inspected and tested in accordance with the following provisions:

1. The natural ground surface shall be prepared by removal of topsoil and vegetation, and, if necessary, shall be graded to a series of terraces;
2. Fill materials shall be spread in a series of layers, each not exceeding six inches in thickness, and shall be compacted by either sheeps-foot roller compactor after each layer is spread or some other method approved by the city engineer;
3. The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain required maximum density;
4. The fill material after compaction shall have an average dry density of not less than ninety-five (95) percent of maximum dry density and a minimum of ninety (90) percent in all portions of the fill requiring compaction, as determined by the AASTO Soil Compaction Test Method T99-57 or T180-57, or other testing method approved by the city engineer and zoning administrator;
5. A written report of the compaction, showing location and depth of test holes, materials used, moisture conditions, recommended soil-bearing pressures, and relative

density obtained from all tests, prepared by a civil engineer or soils engineer licensed by the state of Utah, shall be submitted to the zoning administrator; and

6. The zoning administrator may require additional tests or information if, in his or her opinion, the conditions or materials are such that additional information is necessary, and may modify or delete any of the above-listed requirements that in his or her opinion are unnecessary to further the purpose of this code.

J. Erosion Control and Landscaping. All cut and fill surfaces created by grading except for firebreak purposes shall be planted with a groundcover that is compatible with the natural groundcovers in the city. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. When slopes too steep to support continuous groundcover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous groundcover, but may instead be screened with vines and plantings. Furthermore, cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings. All plant materials must be approved by the planning commission and zoning administrator prior to issuance of a conditional use permit.

K. Filling for Agricultural and Fire Protection Purposes. Filling of the ground for agricultural or fire protection purposes shall be accomplished so as to prevent erosion and damage to natural drainage channels.

L. Final On-Site Review. If upon final on-site review of any grading it is found that the work authorized by the conditional use permit has been satisfactorily completed in accordance with the requirements of this code and any other requirements imposed, the zoning administrator shall approve such work.

The zoning administrator shall have the power to revoke any conditional use permit whenever it is found that the work covered by the certificate has been materially extended or altered without prior approval, or that any planting, retaining walls, cribbing, drainage structures, or other protective devices as shown on the approved plans and specifications submitted with the application for a permit have not been maintained in good order and repair. Before such revocation, the zoning administrator shall first give written notice to the owner of the property involved, specifying the defective condition and stating that unless such defective condition is remedied satisfactorily, the conditional use permit may be revoked. If the defective condition is remedied to the satisfaction of the zoning administrator, the certificate shall not be revoked.

M. Special Precautions. Special precautions shall be taken to preserve life, property values, stable soils conditions and aesthetics, including, but not limited to, the following:

1. Requiring a more level exposed slope; construction of additional drainage facilities, berms, terracing, compaction or cribbing; installation of plant materials for erosion control; and reports of a registered soils engineer and/or an engineering geologist whose recommendation may be made a requirement for further work. Such requirement by a zoning administrator shall constitute a change order in the work; and

2. When it appears that storm damage may result from work performed hereunder, such work may be stopped and the permittee required to take such measures as may be necessary to protect adjoining property or the public safety. On large operations or when unusual site conditions prevail, the zoning administrator may specify the time at which grading may proceed and the time of completion or may require that the operation be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

N. Excavations. All excavations shall be limited as follows:

1. No cut slope shall exceed a vertical height of one hundred (100) feet unless horizontal benches with a minimum width of thirty (30) feet are installed at each one hundred (100) feet of vertical height;

2. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical.

Exception: The planning commission, upon appeal, may permit the excavation to be made with a cut face steeper in slope than two horizontal to one vertical if the applicant can reasonably show the zoning administrator that the material making up the slope of the excavation and the underlying bedrock is capable of holding satisfactorily on a steeper gradient. No slopes shall be cut steeper than the bedding planes, fault or joint in any formation where the cut slope will lie on the dip side of the strike line of the fracture, bedding plane, fault or joint. No slopes shall be cut in an existing landslide, mud flow, or other form of naturally unstable slope except as recommended by a qualified geological engineer. Where the excavation is exposed straight above the top of the cut which will permit the entry of water along bedding planes, this area shall be sealed with a compacted soil blanket having a minimum thickness of two feet. The soil for this blanket shall be relatively impervious and must be approved for such use by the soils engineering geologist. If the material of the slope is of such composition and character as to be unstable under the anticipated maximum moisture content the slope angle shall be reduced to a stable value;

3. No excavation for construction of new utility and telephone lines shall be made in paved streets within five years after paving. During this period, tunneling under such streets may be authorized if otherwise in compliance with this chapter, provided such activity would facilitate construction of new utility and telephone lines.

O. Fills. All fills shall be limited as follows:

1. No fill slope shall exceed a vertical height of one hundred (100) feet unless horizontal benches with a minimum width of thirty (30) feet are installed at each one hundred (100) feet of vertical height; and

2. No fill shall be made which creates an exposed surface steeper in slope than two horizontal to one vertical unless the fill material is of such a nature that a one to one slope may be permitted with the permission of the zoning administrator.

Exception: In the event of an appeal, the planning commission may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical; provided, however, if the applicant can reasonably show the planning commission that the strength characteristics of the material to be used in the fill are such as to produce an equivalent degree of slope stability and sufficient strength characteristics to support the fill values so as to produce an equivalent degree of safety.

P. Prohibited Activities. The provisions of this chapter shall not be construed as permitting the removal of topsoil solely for resale. Nor shall this chapter be construed as authorizing any person to maintain a private or public nuisance upon his or her property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance. (Prior code § 8-8-6)

Chapter 15.16 MOVEMENT OF BUILDINGS

Sections:

15.16.010 Movement of buildings into or within the cityCity.

15.1612.020 Compliance with zoning ordinance.

15.1612.030 Conditional use permit required.

15.1612.040 Additional requirements for moving.

15.1612.050 Conformity to requirements at new location.

15.1612.060 Movement of newly constructed buildings.

15.1612.070 Bond or guaranty.

15.1612.010 Movement of buildings into or within the cityCity.

No building, or part thereof, may be moved from a lot or location within or without the city to another lot or location within the city except as herein provided. (Prior code § 9-22-1)

15.1612.020 Compliance with zoning ordinance.

No building or substantial part thereof shall be moved into or relocated within any zone in the city unless it complies or will be made to comply with the types of buildings and uses allowed within such zone. (Prior code § 9-22-2)

15.16.03012.30 Conditional use permit required.

No building or substantial part thereof shall be moved into or within the city without applying for and obtaining a conditional use permit as provided in Chapter 17.60. ~~(Prior code 5-9-22-3)~~

15.1612.040 Additional requirements for moving.

No building or substantial part thereof shall be relocated within the city if otherwise allowed, unless all the following additional requirements are fulfilled. Prior to issuance of a permit to move the same:

A. The building is inspected in its original location by the city engineer or building inspector and found to be structurally safe and sound and in conformity with the requirements of the ~~Uniform Building, Electrical, Plumbing and other applicable codes;~~ adopted codes of the City as stated in Chapter -15.04;

B. The new location within the ~~city~~City is inspected by the building inspector and found to comply with the requirements of these ordinances;

C. The foundation at the new location is constructed in ~~accordance~~accordance with the ordinances of the ~~city~~City prior to movement of the building or part thereof to the vicinity of the new location; and

D. A landscape plan showing proposed landscaping equal to or exceeding in percentage of landscaped area to total lot area the average of lots within three hundred (300) feet is filed with the ~~city~~City, together with an agreement to complete the same within eighteen (18) months from the date of the permit. The ~~conditioned-right of occupation~~ shall be conditioned upon this agreement. ~~(Prior code 5-9-22-4)~~

15.1612.050 Conformity to requirements at new location.

~~Before an order of occupancy~~the final approval is issued and before occupancy is allowed, the relocated building shall be made to conform to all requirements of the new location to the same extent as that of new construction on the site. ~~(Prior code 5-9-22-5)~~

15.1612.060 Movement of newly constructed buildings.

Nothing herein shall prevent the movement of newly constructed main or accessory buildings to any location when the same is accomplished in a manner achieving an end result as though the building were constructed in the first instance upon the new location; and when prior to issuance of the permit, the city engineer or building inspector finds that such end result is likely to be achieved. ~~(Prior code 5-9-22-6)~~

15.1612.070 Bond or guaranty.

Prior to issuance of the permit, the building inspector shall require a performance bond in cash or by sureties qualifying as such under the laws of the ~~state~~State of Utah, in the ~~sum of two thousand dollars (\$2,000.00);~~ amount as set forth by resolution from time to time by the City Council, or such other

amount as the planning commission shall determine reasonable and necessary to guarantee that the building will be completed in accordance with the ordinances of the ~~city~~City within one year. If the building cannot be so completed within one year, the bond shall be applied to the completion of the structure at the option of the ~~city~~City. When completion of the structure to a state of conformity cannot be had by application of the amount of the bond, plus additional sums deposited by the owner within ten (10) days of notice to deposit same or suffer destruction and removal of the building, then the bond shall be applied to the destruction and removal of the structure, at the option of the ~~city~~. (~~Prior code 5-9-22-7~~)City.